

Exhibit Z

SHEILA E. WARE - 04/17/2018

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

3 -----x

4 KIMBERLEE WILLIAMS, et al., :

5 Plaintiffs, : Case No.

6 v. : 11-cv-01754

7 BASF CATALYSTS, LLC, :

8 Defendants. :

9 -----x

10

11

12 DEPOSITION OF SHEILA ELAINE WARE

13 Washington, D.C.

14 Tuesday, April 17, 2018

15 10:00 a.m.

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23 Job No.: NY-172102

24 Pages 1 - 76

25 Reported By: Joan V. Cain

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<p style="text-align: right;">Page 2</p> <p>1 Deposition of SHEILA ELAINE WARE, held at the</p> <p>2 law offices of:</p> <p>3</p> <p>4 KIRKLAND & ELLIS, LLP</p> <p>5 655 Fifteenth Street, Northwest</p> <p>6 Washington, D.C. 20005</p> <p>7 (202) 879-5000</p> <p>8</p> <p>9 Pursuant to Notice, before Joan V. Cain,</p> <p>10 Court Reporter and Notary Public in and for the</p> <p>11 District of Columbia.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 ON BEHALF OF DEFENDANT BASF CATALYSTS, LLC:</p> <p>4 EUGENE F. ASSAF, P.C.</p> <p>5 PETER A. FARRELL, ESQUIRE</p> <p>6 RONALD K. ANGUAS, JR., ESQUIRE</p> <p>7 KIRKLAND & ELLIS, LLP</p> <p>8 655 Fifteenth Street, Northwest</p> <p>9 Washington, D.C. 20005</p> <p>10 Telephone: (202) 879-5959</p> <p>11 E-mail: eugene.assaf@kirkland.com</p> <p>12 peter.farrell@kirkland.com</p> <p>13 ronald.anguas@kirkland.com</p> <p>14</p> <p>15 ON BEHALF OF DEFENDANT CAHILL, GORDON</p> <p>16 & REINDEL, LLP:</p> <p>17 MICHAEL S. DePRINCE, ESQUIRE</p> <p>18 PEPPER HAMILTON, LLP</p> <p>19 3000 Two Logan Square</p> <p>20 Eighteenth and Arch Streets</p> <p>21 Philadelphia, Pennsylvania 19103-2799</p> <p>22 Telephone: (215) 981-4000</p> <p>23 E-mail: deprincem@pepperlaw.com</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF PLAINTIFFS:</p> <p>4 ERIC S. PASTERNAK, ESQUIRE</p> <p>5 Cohen, Placitella & Roth, P.C.</p> <p>6 Two Commerce Square</p> <p>7 2001 Market Street, Suite 2900</p> <p>8 Philadelphia, PA 19103</p> <p>9 Telephone: (215) 567-3500</p> <p>10 E-mail: epasternack@cprlaw.com</p> <p>11 AND</p> <p>12 WILLIAM L. KUZMIN, ESQUIRE</p> <p>13 COHEN, PLACITELLA & ROTH, P.C.</p> <p>14 127 Maple Avenue</p> <p>15 Red Bank, New Jersey 07701</p> <p>16 Telephone: (732) 747-9003</p> <p>17 E-mail: wkuzmin@cprlaw.com</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES CONTINUED</p> <p>2</p> <p>3 ON BEHALF OF DEFENDANT THOMAS D.</p> <p>4 HALKET (VIA TELEPHONE):</p> <p>5 ERIC TUNIS, ESQUIRE</p> <p>6 HEROLD LAW, P.A.</p> <p>7 25 Independence Boulevard</p> <p>8 Warren, New Jersey 07059</p> <p>9 Telephone: (908) 647-1022</p> <p>10 E-mail: etunis@heroldlaw.com</p> <p>11</p> <p>12 ON BEHALF OF DEFENDANT ARTHUR</p> <p>13 DORNBUSCH (VIA TELEPHONE):</p> <p>14 JOHN A. BOYLE, ESQUIRE</p> <p>15 MARINO, TORTORELLA & BOYLE, P.C.</p> <p>16 437 Southern Boulevard</p> <p>17 Chatham, New Jersey 07928</p> <p>18 Telephone: (973) 824-9300</p> <p>19 E-mail: jboyle@khmarino.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 10</p> <p>1 SHEILA ELAINE WARE</p> <p>2 that you know of?</p> <p>3 A Not unless this is the one that had my</p> <p>4 husband's name wrong. I'll get to that page.</p> <p>5 No, I did not notice any inaccuracies.</p> <p>6 Q Okay. When was the first time you read</p> <p>7 this complaint?</p> <p>8 A It would have been after July this year.</p> <p>9 Q July of 2017?</p> <p>10 A Yeah.</p> <p>11 Q And why did you read the complaint?</p> <p>12 A It was sent to me, and I was just wondering</p> <p>13 what - what was following - what I was filing on.</p> <p>14 Q Who sent it to you?</p> <p>15 A The lawyer in Pennsylvania, Jared.</p> <p>16 Q Jared Placitella.</p> <p>17 A Okay. From that office.</p> <p>18 Q By e-mail or -</p> <p>19 A Mail.</p> <p>20 Q By regular mail?</p> <p>21 A Mm-hmm.</p> <p>22 Q Do you have e-mail?</p> <p>23 A Mm-hmm.</p> <p>24 Q Okay. Do you communicate with your lawyers</p> <p>25 by e-mail?</p>	<p style="text-align: right;">Page 12</p> <p>1 SHEILA ELAINE WARE</p> <p>2 lawsuit captioned "Ralph Ware versus B.F. Goodrich</p> <p>3 Company, et al., Case No. 02-475504."</p> <p>4 Do you see that?</p> <p>5 A Mm-hmm.</p> <p>6 Q When did plaintiff - when did Ralph Ware</p> <p>7 die?</p> <p>8 A December 1st, 2001.</p> <p>9 Q Okay. In 1997, Mr. Ralph Ware was alive,</p> <p>10 correct?</p> <p>11 A Yes.</p> <p>12 Q Do you know whether a lawsuit was filed on</p> <p>13 behalf of Ralph Ware in 1997?</p> <p>14 MR. KUZMIN: Object to form.</p> <p>15 You can answer.</p> <p>16 THE WITNESS: I have no knowledge.</p> <p>17 BY MR. ASSAF:</p> <p>18 Q Let me show you - keep that out. Let me</p> <p>19 show you what I've premarked as Defendants' Exhibit</p> <p>20 146.</p> <p>21 (Defendants' Deposition Exhibit 146</p> <p>22 was marked for identification.)</p> <p>23 BY MR. ASSAF:</p> <p>24 Q Defendants' Exhibit 146 bears Bates Nos.</p> <p>25 BASF_WILLIAMS33081. Do you see this document?</p>
<p style="text-align: right;">Page 11</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Yes.</p> <p>3 Q Have you communicated over the years with</p> <p>4 Mr. Bevan by e-mail?</p> <p>5 A No.</p> <p>6 MR. KUZMIN: Object to form.</p> <p>7 BY MR. ASSAF:</p> <p>8 Q Pardon me?</p> <p>9 A No.</p> <p>10 Q Could you turn to paragraph 28 of</p> <p>11 Defendants' Exhibit 1?</p> <p>12 MR. KUZMIN: Page 26?</p> <p>13 MR. ASSAF: Page 26.</p> <p>14 THE WITNESS: Almost there. Okay.</p> <p>15 BY MR. ASSAF:</p> <p>16 Q The first part of paragraph 28 reads: On</p> <p>17 or about May 29th, 1997, Plaintiff Ware and her</p> <p>18 deceased husband commenced an asbestos injury</p> <p>19 lawsuit in the Court of Common Pleas, Cuyahoga</p> <p>20 County, against BASF's predecessors, Eastern</p> <p>21 Magnesia and Pita Realty, naming same as defendant</p> <p>22 in accordance with the accepted asbestos practice in</p> <p>23 that area in view of settlement programs that</p> <p>24 potentially responsible product manufacturers or</p> <p>25 suppliers were negotiating or had developed; said</p>	<p style="text-align: right;">Page 13</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Yes.</p> <p>3 Q And at the bottom of page 1, there's a name</p> <p>4 Ralph Ware -</p> <p>5 A Yes.</p> <p>6 Q 441 Randolph Road. And then if you turn</p> <p>7 the page, it says versus Goodrich Corporation and</p> <p>8 others.</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q And this, if you turn to the back -- is</p> <p>12 there a date on this?</p> <p>13 MR. ASSAF: Off the record.</p> <p>14 (Discussion off the record.)</p> <p>15 BY MR. ASSAF:</p> <p>16 Q Ms. Ware, we'll get you a dated copy of</p> <p>17 Defendants' Exhibit 146. In the meantime, do you</p> <p>18 know - do you have any idea what the number</p> <p>19 02-475504 relates to on paragraph 28 of Defendants'</p> <p>20 Exhibit 1?</p> <p>21 MR. KUZMIN: Right there (indicating).</p> <p>22 THE WITNESS: The lawsuit for asbestos.</p> <p>23 BY MR. ASSAF:</p> <p>24 Q Okay. And in 1997, was Ralph Ware ill in</p> <p>25 any way?</p>

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<p style="text-align: right;">Page 14</p> <p>1 SHEILA ELAINE WARE</p> <p>2 MR. KUZMIN: Object to form.</p> <p>3 You can answer.</p> <p>4 THE WITNESS: Not that I'm aware of.</p> <p>5 BY MR. ASSAF:</p> <p>6 Q All right. He hadn't had -- he hadn't --</p> <p>7 withdrawn.</p> <p>8 As of May 29th, 1997, as far as you know,</p> <p>9 Mr. Ralph Ware was not sick with any asbestos</p> <p>10 disease?</p> <p>11 A As far as I know.</p> <p>12 Q And as of May 29th, 1997, he certainly</p> <p>13 wasn't deceased, correct?</p> <p>14 A Correct.</p> <p>15 Q And as of May 29th, 1997, he had not, as</p> <p>16 far as you know, brought an asbestos lawsuit against</p> <p>17 any defendant?</p> <p>18 A Correct.</p> <p>19 MR. KUZMIN: Object to form.</p> <p>20 BY MR. ASSAF:</p> <p>21 Q So when you read the complaint in this</p> <p>22 case, and you saw the sentence on paragraph 28 that</p> <p>23 said, on May 29th, 1997 Plaintiff Ware and her</p> <p>24 deceased husband commenced an action, did you tell</p> <p>25 anybody that was inaccurate?</p>	<p style="text-align: right;">Page 16</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Did you know that a case existed?</p> <p>3 A Yes.</p> <p>4 Q Other than knowing a case existed, you had</p> <p>5 no knowledge of what was happening in the case or</p> <p>6 what the case was about?</p> <p>7 A Did not, only that it was ongoing and he</p> <p>8 was helping Aunt Donna, Donna Ware.</p> <p>9 Q Did you have any discussions with Donna</p> <p>10 Ware about the Williams' class action case?</p> <p>11 A I did not.</p> <p>12 Q When Mr. Jared Placitella called you in</p> <p>13 July of 2017, did you agree at that point to become</p> <p>14 a class representative?</p> <p>15 A Yes.</p> <p>16 Q At that point, what was your understanding</p> <p>17 of your obligations as a class representative?</p> <p>18 A That I would follow through a case that</p> <p>19 Donna Ware had already started, that I would</p> <p>20 possibly have to go to court at some point in time,</p> <p>21 read some paperwork, and sign.</p> <p>22 Q And did you agree to do that?</p> <p>23 A Yes.</p> <p>24 Q From July of 2017 until today, how many</p> <p>25 hours have you devoted to the case?</p>
<p style="text-align: right;">Page 15</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Did not.</p> <p>3 Q Do you now realize it is inaccurate?</p> <p>4 A Mm-hmm. Yes.</p> <p>5 Q In preparations for your deposition, did</p> <p>6 you notice that that paragraph was inaccurate?</p> <p>7 A Did not.</p> <p>8 Q Now, for your -- withdrawn.</p> <p>9 When did you learn that you were going to</p> <p>10 be a class representative in this case?</p> <p>11 A Around July of 2017.</p> <p>12 Q How did you learn you would become a class</p> <p>13 representative in this case?</p> <p>14 A Phone call.</p> <p>15 Q A phone call from whom?</p> <p>16 A From the lawyer.</p> <p>17 Q Which lawyer?</p> <p>18 A Jared Placitella's office called to see --</p> <p>19 after my husband passed.</p> <p>20 Q Prior to the call from Mr. Placitella, had</p> <p>21 you had any discussions about the Williams' class</p> <p>22 action case?</p> <p>23 A None at all.</p> <p>24 Q Did you discuss it with your husband?</p> <p>25 A I did not.</p>	<p style="text-align: right;">Page 17</p> <p>1 SHEILA ELAINE WARE</p> <p>2 MR. KUZMIN: Object to form.</p> <p>3 You can answer it.</p> <p>4 THE WITNESS: Eight hours. I'm just</p> <p>5 guessing.</p> <p>6 BY MR. ASSAF:</p> <p>7 Q Could you tell me what you did in those</p> <p>8 eight hours?</p> <p>9 A Spoke with lawyers over the phone. As I</p> <p>10 would get things like this (indicating), I would</p> <p>11 read them, e-mail, fax -- gather whatever</p> <p>12 information they asked for, if I could find it in my</p> <p>13 possession, faxed, e-mailed.</p> <p>14 Q Anything else?</p> <p>15 A No.</p> <p>16 Q Did you talk to anybody besides your</p> <p>17 lawyers about this case?</p> <p>18 A No.</p> <p>19 Q Have you ever talked to Mr. Bevan about</p> <p>20 this case?</p> <p>21 A No.</p> <p>22 Q Do you know who Mr. Bevan is?</p> <p>23 A No.</p> <p>24 Q You don't know who he is?</p> <p>25 A I know he's a lawyer. I know he's Aunt</p>

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Pages 18..21

<p style="text-align: right;">Page 18</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Donna's lawyer in the asbestos case. I don't know</p> <p>3 him.</p> <p>4 Q Okay. What role, if any, do you have in</p> <p>5 directing this litigation?</p> <p>6 MR. KUZMIN: Object to form.</p> <p>7 You can answer it.</p> <p>8 THE WITNESS: I'm a spokesperson for a</p> <p>9 group of people.</p> <p>10 BY MR. ASSAF:</p> <p>11 Q And what do you understand your role is as</p> <p>12 a spokesperson?</p> <p>13 A To be honest. Tell what I know.</p> <p>14 Q Do you know anything about the underlying</p> <p>15 facts in this lawsuit?</p> <p>16 A Only what I've been read or given to.</p> <p>17 Q So prior to reading the complaint, you had</p> <p>18 no personal knowledge of any of the facts in this</p> <p>19 lawsuit?</p> <p>20 MR. KUZMIN: Object to form.</p> <p>21 You can answer it.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MR. ASSAF:</p> <p>24 Q Correct? Is that correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Well, when you read the complaint, you</p> <p>3 looked for the paragraphs in which "Ware" was</p> <p>4 mentioned, right?</p> <p>5 A Yes.</p> <p>6 Q And he's not mentioned throughout the</p> <p>7 entire complaint?</p> <p>8 A Correct.</p> <p>9 Q There's only a couple paragraphs where it</p> <p>10 says Ralph Ware, correct?</p> <p>11 A Correct.</p> <p>12 Q And you read those paragraphs carefully,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q What obligation, if any, do you have to</p> <p>16 keep informed about the status of the litigation?</p> <p>17 A Obligation? I do have an obligation to</p> <p>18 stay informed with this.</p> <p>19 Q Do you have any understanding of what the</p> <p>20 theories of relief are in this case?</p> <p>21 MR. KUZMIN: Object to form.</p> <p>22 You can answer it.</p> <p>23 THE WITNESS: Yes.</p> <p>24 BY MR. ASSAF:</p> <p>25 Q And what are the theories of recovery?</p>
<p style="text-align: right;">Page 19</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q And prior to reading the -- withdrawn.</p> <p>3 Even after you read the complaint, the</p> <p>4 facts that you did know, such as when Mr. Ware died,</p> <p>5 you didn't correct those facts in the complaint,</p> <p>6 fair?</p> <p>7 MR. KUZMIN: Object to form.</p> <p>8 You can answer it.</p> <p>9 THE WITNESS: Fair.</p> <p>10 BY MR. ASSAF:</p> <p>11 Q As a class representative, do you believe</p> <p>12 that it's your duty to correct facts that you notice</p> <p>13 are not true?</p> <p>14 MR. KUZMIN: Object to form.</p> <p>15 You can answer it.</p> <p>16 THE WITNESS: Should, yes.</p> <p>17 BY MR. ASSAF:</p> <p>18 Q And you did not correct --</p> <p>19 A Did not.</p> <p>20 Q -- the death of Mr. Ware, correct?</p> <p>21 A Did not.</p> <p>22 MR. KUZMIN: Object to form.</p> <p>23 You can answer.</p> <p>24 THE WITNESS: Did not catch.</p> <p>25 BY MR. ASSAF:</p>	<p style="text-align: right;">Page 21</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A I assume financial. I assume stoppage of</p> <p>3 the making of a product that causes cancer.</p> <p>4 Q Is it your understanding of the facts, from</p> <p>5 reading the complaint and serving as a class</p> <p>6 representative, that the product here is still being</p> <p>7 manufactured?</p> <p>8 MR. KUZMIN: Object to form.</p> <p>9 You can answer it.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. ASSAF:</p> <p>12 Q And as a class representative, do you view</p> <p>13 that product being manufactured today as dangerous</p> <p>14 for people?</p> <p>15 MR. KUZMIN: Object to form.</p> <p>16 You can answer it.</p> <p>17 THE WITNESS: Yes.</p> <p>18 BY MR. ASSAF:</p> <p>19 Q And as a class representative, having</p> <p>20 prepared for this deposition, and having followed</p> <p>21 through on reading the lawsuit, do you believe that</p> <p>22 one of your goals is to stop the sale of this</p> <p>23 dangerous product?</p> <p>24 MR. KUZMIN: Object to form.</p> <p>25 You can answer it.</p>

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<p style="text-align: right;">Page 22</p> <p>1 SHEILA ELAINE WARE</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. ASSAF:</p> <p>4 Q What is the product at issue?</p> <p>5 A Asbestos fibers.</p> <p>6 Q Have you ever heard of talc?</p> <p>7 A Talc, yes, which is in asbestos, yes. It's</p> <p>8 a mineral.</p> <p>9 Q And do you have an understanding that the</p> <p>10 defendants here were selling talc?</p> <p>11 A Yes.</p> <p>12 Q Were they selling asbestos?</p> <p>13 MR. KUZMIN: Object to form.</p> <p>14 You can answer.</p> <p>15 THE WITNESS: It's one and the same.</p> <p>16 BY MR. ASSAF:</p> <p>17 Q Talc is asbestos?</p> <p>18 A Right.</p> <p>19 Q How did you come to that understanding?</p> <p>20 MR. KUZMIN: I'm going to -- before she</p> <p>21 answers that, I'm just going to advise her that if</p> <p>22 any knowledge came from discussion with counsel, it</p> <p>23 would be subject to attorney-client privilege, and</p> <p>24 you're not to answer it. So if there's any</p> <p>25 knowledge you have outside of that, then you can</p>	<p style="text-align: right;">Page 24</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Other than those three things, what else</p> <p>3 have you done?</p> <p>4 A Nothing.</p> <p>5 Q Do you have regular phone conferences with</p> <p>6 your lawyers regarding the status of the case?</p> <p>7 A Only occasional.</p> <p>8 Q And do you, from those phone -- withdrawn.</p> <p>9 Are there other plaintiffs on those phone</p> <p>10 conferences?</p> <p>11 A No.</p> <p>12 Q How long have they lasted?</p> <p>13 A The phone conferences?</p> <p>14 Q Yeah.</p> <p>15 A Hour to ten minutes.</p> <p>16 Q And is that to discuss -- without telling</p> <p>17 me what was said, were those conferences to discuss</p> <p>18 legal strategy in the case?</p> <p>19 A No.</p> <p>20 Q Do you believe that you, as a class</p> <p>21 representative, should direct the litigation?</p> <p>22 A Yes.</p> <p>23 MR. KUZMIN: Object to form.</p> <p>24 You can answer it.</p> <p>25 THE WITNESS: Yes.</p>
<p style="text-align: right;">Page 23</p> <p>1 SHEILA ELAINE WARE</p> <p>2 answer the question. Otherwise, I'm advising you</p> <p>3 not to answer.</p> <p>4 THE WITNESS: Okay. I won't answer, under</p> <p>5 advice of my counsel.</p> <p>6 BY MR. ASSAF:</p> <p>7 Q Who's the driving force behind this</p> <p>8 litigation, you or your lawyers?</p> <p>9 MR. KUZMIN: Object to form.</p> <p>10 You can answer it.</p> <p>11 THE WITNESS: Both.</p> <p>12 BY MR. ASSAF:</p> <p>13 Q Okay. Could you tell me everything you've</p> <p>14 done to direct this litigation?</p> <p>15 A Answered the questions, mailed, e-mailed</p> <p>16 any documentation that I have in my possession</p> <p>17 brought from Donna Ware's house to mine, as I moved</p> <p>18 her in with me.</p> <p>19 Q So in that eight hours that you and I</p> <p>20 discussed earlier --</p> <p>21 A Mm-hmm.</p> <p>22 Q -- you've e-mailed, you've provided</p> <p>23 documents, and you've shown up at this deposition to</p> <p>24 answer questions?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 25</p> <p>1 SHEILA ELAINE WARE</p> <p>2 BY MR. ASSAF:</p> <p>3 Q Okay. And how have you done that?</p> <p>4 A By agreeing and being here, for one.</p> <p>5 Q Okay. Aside from agreeing to be a class</p> <p>6 representative and showing up for a deposition, how</p> <p>7 else have you directed the litigation?</p> <p>8 A By reading things they've sent me, signing,</p> <p>9 and returning.</p> <p>10 Q Apart from reading the complaint, returning</p> <p>11 and signing materials that they've asked you to</p> <p>12 sign, and showing up for your deposition, what else</p> <p>13 have you done to direct the litigation?</p> <p>14 A Nothing.</p> <p>15 Q Have you ever, without revealing what was</p> <p>16 said, told your lawyers that you disagree with</p> <p>17 something that's happening in the litigation?</p> <p>18 A No, I have not.</p> <p>19 Q Have you ever, in words or in substance,</p> <p>20 told your lawyers what you would like seen done in</p> <p>21 the litigation?</p> <p>22 A Correction of a --</p> <p>23 MR. KUZMIN: Well, again, answer the</p> <p>24 question that's being asked, not the substance, as</p> <p>25 directed by counsel's question.</p>

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<p style="text-align: right;">Page 26</p> <p>1 SHEILA ELAINE WARE</p> <p>2 THE WITNESS: Okay. Ask your question</p> <p>3 again, please?</p> <p>4 BY MR. ASSAF:</p> <p>5 Q Sure. Have you ever directed your counsel</p> <p>6 to do something in the litigation that had not been</p> <p>7 done?</p> <p>8 A I have not, no.</p> <p>9 Q Is it fair to say that you were, in that</p> <p>10 first call with Mr. Jared Placitella, recruited by</p> <p>11 counsel to be a class representative?</p> <p>12 MR. KUZMIN: Object to form.</p> <p>13 THE WITNESS: Handed down, yes.</p> <p>14 BY MR. ASSAF:</p> <p>15 Q Fair to say you were recruited?</p> <p>16 A Fair to say, yes. Yes.</p> <p>17 MR. KUZMIN: Object to form.</p> <p>18 BY MR. ASSAF:</p> <p>19 Q In terms of the conduct of the litigation,</p> <p>20 is it fair to say that you defer to your lawyers'</p> <p>21 judgments?</p> <p>22 A Absolutely.</p> <p>23 Q Why do you say absolutely?</p> <p>24 A Because where I come in on this, this has</p> <p>25 been going on for so many years. I'm coming in</p>	<p style="text-align: right;">Page 28</p> <p>1 SHEILA ELAINE WARE</p> <p>2 MR. KUZMIN: Object to form.</p> <p>3 BY MR. ASSAF:</p> <p>4 Q -- correct?</p> <p>5 A Yes.</p> <p>6 Q And so you were recruited by</p> <p>7 Mr. Placitella, and you feel that it would be</p> <p>8 appropriate, given Mr. Placitella and other</p> <p>9 counsel's knowledge of the facts, to defer to them</p> <p>10 in the litigation matters?</p> <p>11 A Yes.</p> <p>12 MR. KUZMIN: Object to form.</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. ASSAF:</p> <p>15 Q Do you view your role as a class</p> <p>16 representative as supervising your counsel?</p> <p>17 MR. KUZMIN: Object to form.</p> <p>18 You can answer it.</p> <p>19 BY MR. ASSAF:</p> <p>20 Q Or do you just defer to them?</p> <p>21 A Supervising.</p> <p>22 Q Okay. And what have you done in terms of</p> <p>23 supervising counsel?</p> <p>24 A Read the complaints. I've not seen</p> <p>25 anything to correct as -- thus far.</p>
<p style="text-align: right;">Page 27</p> <p>1 SHEILA ELAINE WARE</p> <p>2 toward the end of this. It's already been</p> <p>3 established. They have the knowledge and the</p> <p>4 information that I -- wisdom that I don't on this.</p> <p>5 Q Is it your understanding that the lawyers</p> <p>6 understand the underlying facts of the complaint?</p> <p>7 A Yes.</p> <p>8 Q And you don't have any personal knowledge</p> <p>9 of the underlying facts of the complaint?</p> <p>10 MR. KUZMIN: Object to form.</p> <p>11 You can answer it.</p> <p>12 THE WITNESS: Knowledge of the complaint of</p> <p>13 hiding evidence of asbestos in talc?</p> <p>14 BY MR. ASSAF:</p> <p>15 Q (Nodding.)</p> <p>16 A I know that from reading correspondence.</p> <p>17 Q Okay. You know that from reading the</p> <p>18 complaint.</p> <p>19 A Mm-hmm.</p> <p>20 Q You don't have any personal knowledge of</p> <p>21 it?</p> <p>22 A No, I do not.</p> <p>23 Q So because your lawyers know the facts,</p> <p>24 that's one of the reasons why you defer to counsel</p> <p>25 on these litigation matters --</p>	<p style="text-align: right;">Page 29</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Well, except for the death of Mr. Ware?</p> <p>3 A That, yes.</p> <p>4 MR. KUZMIN: Object to form.</p> <p>5 BY MR. ASSAF:</p> <p>6 Q And you didn't correct that?</p> <p>7 A Did not.</p> <p>8 Q So other than reading the complaint to</p> <p>9 correct any inaccuracies, what else have you done to</p> <p>10 supervise the plaintiffs' counsel in this case?</p> <p>11 A Just reading what they had sent.</p> <p>12 Q Apart from reading the complaint and</p> <p>13 reading what plaintiffs' counsel sent you to read,</p> <p>14 what have you done to supervise them, if anything?</p> <p>15 A Nothing.</p> <p>16 Q Do you have any understanding of whether</p> <p>17 there was a mediation in this case?</p> <p>18 A I understand through my counsel that, yes,</p> <p>19 there has been mediation for years.</p> <p>20 Q For years?</p> <p>21 A Mm-hmm.</p> <p>22 Q When did you first learn of the mediation?</p> <p>23 A I don't know a year. I can't answer that</p> <p>24 exact. My husband was -- Aunt Donna talked to my</p> <p>25 husband five years ago. I'm not sure.</p>

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<p style="text-align: right;">Page 30</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q What's your understanding of a mediation?</p> <p>3 A That you have a medium person working for</p> <p>4 both sides of counsel.</p> <p>5 Q Do you understand there were settlement</p> <p>6 discussions between the parties?</p> <p>7 MR. KUZMIN: Object to form.</p> <p>8 You can answer it.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. ASSAF:</p> <p>11 Q When did you hear about the settlement</p> <p>12 discussions?</p> <p>13 A After Aunt Donna died.</p> <p>14 Q And when did Aunt Donna die?</p> <p>15 A January 7th, 2016, early January.</p> <p>16 Q Early January of 2016?</p> <p>17 A '17.</p> <p>18 Q '17.</p> <p>19 A '17.</p> <p>20 Q Okay. So after -- after January of 2017</p> <p>21 was the first time you heard of settlement</p> <p>22 discussions in this case?</p> <p>23 A Well, my husband had talked to her; I had</p> <p>24 not.</p> <p>25 Q Okay. You heard from your husband about</p>	<p style="text-align: right;">Page 32</p> <p>1 SHEILA ELAINE WARE</p> <p>2 time that you had knowledge -- withdrawn.</p> <p>3 In the last six months was the first time</p> <p>4 you had discussions with your lawyers regarding</p> <p>5 settlement in this case?</p> <p>6 A Sometime since July, yes.</p> <p>7 Q Since July of 2017?</p> <p>8 A Yeah.</p> <p>9 Q Since July of 2017 until today, in that</p> <p>10 six-month time frame was the first time you had</p> <p>11 discussions regarding settlement in this case, fair?</p> <p>12 MR. KUZMIN: Object to form.</p> <p>13 You can answer it.</p> <p>14 THE WITNESS: Yes.</p> <p>15 BY MR. ASSAF:</p> <p>16 Q In terms of -- as a class representative,</p> <p>17 how do you protect the interests of other class</p> <p>18 representatives?</p> <p>19 A How do I protect what?</p> <p>20 Q The interests of other class members.</p> <p>21 A By representing them as a whole on the</p> <p>22 common task at hand, I guess.</p> <p>23 Q And what do you think the task at hand is?</p> <p>24 A To represent the fraudulent fact that cases</p> <p>25 have been won that there was asbestos talc in a case</p>
<p style="text-align: right;">Page 31</p> <p>1 SHEILA ELAINE WARE</p> <p>2 the settlement?</p> <p>3 A Yes.</p> <p>4 Q Okay. In talking to your husband, did you</p> <p>5 have an understanding that there was a settlement</p> <p>6 offer in this case?</p> <p>7 MR. KUZMIN: Object to form.</p> <p>8 You can answer it.</p> <p>9 THE WITNESS: No.</p> <p>10 BY MR. ASSAF:</p> <p>11 Q Did you understand from your husband that</p> <p>12 there was a financial proposal to resolve this case?</p> <p>13 MR. KUZMIN: Object to form.</p> <p>14 You can answer it.</p> <p>15 THE WITNESS: A possible one, yes.</p> <p>16 BY MR. ASSAF:</p> <p>17 Q And as a class representative, did you</p> <p>18 support trying to settle this case?</p> <p>19 A Yes.</p> <p>20 Q When did you -- without telling me what was</p> <p>21 said, when did you have those discussions with your</p> <p>22 lawyers regarding the mediation or settlement in</p> <p>23 this case?</p> <p>24 A In the last six months.</p> <p>25 Q Okay. In the last six months was the first</p>	<p style="text-align: right;">Page 33</p> <p>1 SHEILA ELAINE WARE</p> <p>2 that was hidden.</p> <p>3 Q We spoke previously about the fact that you</p> <p>4 believe that the talc at issue is still being</p> <p>5 manufactured and sold.</p> <p>6 Do you remember that discussion?</p> <p>7 A Mm-hmm.</p> <p>8 Q How do you think, as a class</p> <p>9 representative, you can protect other class members,</p> <p>10 in terms of stopping the sale of the Engelhard talc</p> <p>11 today?</p> <p>12 MR. KUZMIN: Object to form.</p> <p>13 You can answer it.</p> <p>14 THE WITNESS: If proven that it does, that</p> <p>15 they can maybe correct the damaging elements that's</p> <p>16 causing issues.</p> <p>17 MR. ASSAF: Off the record.</p> <p>18 (Recessed at 10:30 a.m.)</p> <p>19 (Reconvened at 10:31 a.m.)</p> <p>20 BY MR. ASSAF:</p> <p>21 Q We've now substituted a dated Defendants'</p> <p>22 Exhibit 146. And for the record, I'll put the Bates</p> <p>23 numbers on. It bears Bates Nos. BASF_WILLIAMS33079</p> <p>24 consecutive to 33115. Okay. I see where</p> <p>25 Defendants' Exhibit 1, paragraph 28 is still open in</p>

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<p style="text-align: right;">Page 34</p> <p>1 SHEILA ELAINE WARE</p> <p>2 front of you, Ms. Ware, so I'd like you -- no, keep</p> <p>3 it open, please.</p> <p>4 And I'd like to direct your attention to</p> <p>5 paragraph 28, which says: On or about May 29th,</p> <p>6 1997, Plaintiff Ware and her deceased husband</p> <p>7 commenced an asbestos lawsuit -- asbestos injury</p> <p>8 lawsuit in the Court of Common Pleas, Cuyahoga</p> <p>9 County, and it continues down to 02-475504.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Okay. And now I'm showing you a copy of an</p> <p>13 asbestos lawsuit dated August 5th, 2002, from the</p> <p>14 Bevan firm, against various companies, including</p> <p>15 B.F. Goodrich and Engelhard.</p> <p>16 Do you see this?</p> <p>17 A Yes.</p> <p>18 Q Fair to say that the complaint, the class</p> <p>19 action complaint paragraph 28, is inaccurate in</p> <p>20 terms of when a lawsuit was filed?</p> <p>21 MR. KUZMIN: Object to form.</p> <p>22 You can answer it.</p> <p>23 THE WITNESS: Correct.</p> <p>24 BY MR. ASSAF:</p> <p>25 Q And it's also inaccurate in terms of --</p>	<p style="text-align: right;">Page 36</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Was not.</p> <p>3 Q So at least the fact that the complaint</p> <p>4 refers to him being deceased in 1997 is inaccurate,</p> <p>5 correct?</p> <p>6 MR. KUZMIN: Object to form. Complaint</p> <p>7 speaks for itself.</p> <p>8 You can answer it.</p> <p>9 THE WITNESS: Type error, yes.</p> <p>10 BY MR. ASSAF:</p> <p>11 Q Yes, it's a type of error.</p> <p>12 A Mm-hmm.</p> <p>13 Q Okay. So now the complaint I've shown --</p> <p>14 I've put in front of you, Defendants' Exhibit 146,</p> <p>15 which is the Ralph Ware complaint in Cuyahoga County</p> <p>16 against a number of defendants, do you see this?</p> <p>17 A Yes.</p> <p>18 Q Other than Engelhard, do you know whether</p> <p>19 Mr. Ware sued any other talc defendants?</p> <p>20 A I'm not aware. I have no knowledge.</p> <p>21 Q And, in fact, is it fair to say that, if</p> <p>22 you looked through the complaint that Mr. Bevan</p> <p>23 filed on behalf of Mr. Ware, there's not even a</p> <p>24 mention of the word "talc"?</p> <p>25 MR. KUZMIN: Just for the record, I'll</p>
<p style="text-align: right;">Page 35</p> <p>1 SHEILA ELAINE WARE</p> <p>2 withdrawn.</p> <p>3 There are six plaintiffs, six class</p> <p>4 representatives in this case, correct?</p> <p>5 A Correct.</p> <p>6 Q And at least with respect to one of them,</p> <p>7 Mr. Ralph Ware, the complaint got it wrong in terms</p> <p>8 of when he passed away, correct?</p> <p>9 A Correct.</p> <p>10 MR. KUZMIN: Object to form.</p> <p>11 THE WITNESS: Correct.</p> <p>12 MR. ASSAF: What's wrong with that</p> <p>13 question?</p> <p>14 MR. KUZMIN: Because I think that it</p> <p>15 mischaracterizes her previous testimony as to when</p> <p>16 he passed away. I think she already testified the</p> <p>17 date he passed away is accurate. I think she had</p> <p>18 previously testified -- if you go to paragraph 26,</p> <p>19 the date he passed away, as reflected in this</p> <p>20 complaint, is accurate.</p> <p>21 MR. ASSAF: Well, it says on May 29th,</p> <p>22 1997, Plaintiff Ware and her deceased husband</p> <p>23 commenced an action.</p> <p>24 BY MR. ASSAF:</p> <p>25 Q He wasn't deceased in 1997, was he?</p>	<p style="text-align: right;">Page 37</p> <p>1 SHEILA ELAINE WARE</p> <p>2 object to form. The complaint speaks for itself.</p> <p>3 You can answer it, after you've had a chance --</p> <p>4 BY MR. ASSAF:</p> <p>5 Q Oh, sorry. Sorry. Paragraph 7 there is</p> <p>6 talc. Sorry. If you turn your attention to</p> <p>7 paragraph 7, it says: Plaintiffs used, handled, or</p> <p>8 otherwise exposed to asbestos and asbestos products,</p> <p>9 talc, and talc products as referenced here and</p> <p>10 above.</p> <p>11 Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Do you know what talc products Mr. Ware was</p> <p>14 exposed to?</p> <p>15 A Whatever they use in Goodyear for making</p> <p>16 parts for Goodyear blimp parts.</p> <p>17 Q As a class representative -- withdrawn.</p> <p>18 You and I discussed earlier about stopping</p> <p>19 the sale of talc going forward, correct?</p> <p>20 A Correct.</p> <p>21 Q If you came to learn that Mr. Ware was</p> <p>22 actually never exposed to Engelhard talc, as a class</p> <p>23 representative, would you still pursue this case?</p> <p>24 MR. KUZMIN: Object to form.</p> <p>25 You can answer it.</p>

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<p style="text-align: right;">Page 38</p> <p>1 SHEILA ELAINE WARE</p> <p>2 THE WITNESS: No.</p> <p>3 BY MR. ASSAF:</p> <p>4 Q Why not?</p> <p>5 A It speaks for itself, yeah.</p> <p>6 Q Yeah. If my client's product didn't cause</p> <p>7 an injury for Mr. Ware, and Mr. Ware was never</p> <p>8 exposed to Engelhard talc, you would agree with me</p> <p>9 that you shouldn't pursue the case, fair?</p> <p>10 MR. KUZMIN: Object to form.</p> <p>11 You can answer it.</p> <p>12 THE WITNESS: Fair.</p> <p>13 BY MR. ASSAF:</p> <p>14 Q And you certainly shouldn't be a class</p> <p>15 representative for other people who may have been</p> <p>16 exposed to Engelhard talc, fair?</p> <p>17 MR. KUZMIN: Object to form.</p> <p>18 You can answer it.</p> <p>19 THE WITNESS: Correct.</p> <p>20 BY MR. ASSAF:</p> <p>21 Q Now, let me show you what is marked as</p> <p>22 Defendants' Exhibit 147.</p> <p>23 (Defendants' Deposition Exhibit 147</p> <p>24 was marked for identification.)</p> <p>25 BY MR. ASSAF:</p>	<p style="text-align: right;">Page 40</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Bates No. 782.</p> <p>3 MR. KUZMIN: Maybe my eyes -- I don't see</p> <p>4 "Ware" on this page.</p> <p>5 MR. ASSAF: Where it says -- it says: Now</p> <p>6 comes above named plaintiffs pursuant to Ohio Rule</p> <p>7 41 dismissed the above-captioned cases without</p> <p>8 prejudice as to Defendant Engelhard Corporation</p> <p>9 only.</p> <p>10 MR. KUZMIN: Right. No, I see that, but</p> <p>11 going through this, you know, I'm --</p> <p>12 MR. ANGUS: Ralph Ware is on page 32.</p> <p>13 MR. ASSAF: Sorry. It's from your Second</p> <p>14 Amended Complaint.</p> <p>15 MR. KUZMIN: Okay. No, that's one of the</p> <p>16 drawbacks of having me here.</p> <p>17 Okay. So it's -- all right. Let counsel</p> <p>18 ask his questions.</p> <p>19 BY MR. ASSAF:</p> <p>20 Q Okay. So did you understand that Mr. Ware</p> <p>21 dismissed Engelhard on or about April 28th, 2003?</p> <p>22 MR. KUZMIN: Object to form.</p> <p>23 You can answer it.</p> <p>24 THE WITNESS: Recently, yes, I was aware of</p> <p>25 that.</p>
<p style="text-align: right;">Page 39</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Defendants' Exhibit 147 is a notice of</p> <p>3 dismissal that was attached as Exhibit 35 to the</p> <p>4 Plaintiffs' Second Amended Complaint.</p> <p>5 A Okay.</p> <p>6 Q And by the way, when you read the complaint</p> <p>7 in this case, did you read a complaint with a bunch</p> <p>8 of exhibits, like a bunch of attachments, or did you</p> <p>9 just read what was in front of you?</p> <p>10 A Just what was in front of me.</p> <p>11 Q Okay. And you saw, though, in that</p> <p>12 complaint, there were numerous references to</p> <p>13 exhibits?</p> <p>14 A Yes.</p> <p>15 Q And you've never looked at those exhibits?</p> <p>16 A No.</p> <p>17 Q Okay. Well, this is one of those exhibits</p> <p>18 that are attached to the complaint. Okay? And it's</p> <p>19 an exhibit that is a dismissal for Ralph Ware</p> <p>20 against a number of defendants -- against -- I'm</p> <p>21 sorry, against Engelhard Corporation on the 28th of</p> <p>22 April 2003.</p> <p>23 MR. KUZMIN: Do you have a page where --</p> <p>24 MR. ASSAF: Sure. If you turn to -- I</p> <p>25 think it's the third page from the back, bearing</p>	<p style="text-align: right;">Page 41</p> <p>1 SHEILA ELAINE WARE</p> <p>2 BY MR. ASSAF:</p> <p>3 Q How did you become aware of that recently?</p> <p>4 A Reading these that they have sent me.</p> <p>5 Q The Second Amended Complaint, Defendants'</p> <p>6 Exhibit 1?</p> <p>7 A Mm-hmm.</p> <p>8 Q Okay. And did you learn from any source --</p> <p>9 just answer yes or no -- as to why Mr. Ware</p> <p>10 dismissed his complaint?</p> <p>11 A No.</p> <p>12 Q As we sit here today, you don't have any</p> <p>13 idea why Mr. Ware dismissed his complaint?</p> <p>14 A There were apparently -- apparently there</p> <p>15 was evidence or false evidence given that was later</p> <p>16 uncovered.</p> <p>17 Q Who told you that?</p> <p>18 A I read it in these, counsel.</p> <p>19 Q In the complaint?</p> <p>20 A Mm-hmm.</p> <p>21 Q Other than reading it in the complaint, you</p> <p>22 don't have any knowledge of why Mr. Ware dismissed</p> <p>23 his complaint?</p> <p>24 A Do not.</p> <p>25 Q Okay. So now I'm going to show you another</p>

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<p>1 SHEILA ELAINE WARE</p> <p>2 document also from April 28th of 2003 that's not</p> <p>3 attached to the Plaintiffs' Second Amended</p> <p>4 Complaint. Okay?</p> <p>5 MR. ASSAF: We'll mark this as Exhibit 148.</p> <p>6 (Defendants' Deposition Exhibit 148</p> <p>7 was marked for identification.)</p> <p>8 BY MR. KUZMIN:</p> <p>9 Q Exhibit 148 is a multiple-page document</p> <p>10 from the Court of Common Pleas, Cuyahoga County,</p> <p>11 bearing Bates Nos. BASF_WILLIAMS390586 through</p> <p>12 390624. And it is a dismissal of Ralph Ware's case</p> <p>13 against Harshaw Chemical Corporation on page 624.</p> <p>14 MR. KUZMIN: Do you happen to have the page</p> <p>15 cite for where Mr. Ware is listed?</p> <p>16 MR. ANGUAS: Bates ending 620.</p> <p>17 BY MR. KUZMIN:</p> <p>18 Q And this was filed by Mr. Ware's attorney,</p> <p>19 Tom Bevan, as well as Harshaw Chemical's attorney,</p> <p>20 Jack Kluznik. Prior to today, did you have any</p> <p>21 understanding of the fact that Mr. Ware dismissed,</p> <p>22 on April 28th, 2003, both Engelhard Corporation and</p> <p>23 Harshaw Chemical Corporation?</p> <p>24 A No.</p> <p>25 Q And if I can show you, or show a court,</p>	<p>1 SHEILA ELAINE WARE</p> <p>2 that BASF's predecessors were party to.</p> <p>3 Do you see that?</p> <p>4 A Yes.</p> <p>5 Q Now, I showed you the complaint, and I</p> <p>6 showed you the dismissal. And I've looked for other</p> <p>7 talc defendants. It says -- do you see here, where</p> <p>8 it says: Multi-talc defendant settlement?</p> <p>9 A Yes.</p> <p>10 Q I can't find that. So as a class</p> <p>11 representative, and as a representative of Mr. Ware,</p> <p>12 could you explain to me where there's any evidence</p> <p>13 that there was a multi-talc defendant settlement</p> <p>14 with Engelhard by Mr. Ware?</p> <p>15 MR. KUZMIN: Object to form.</p> <p>16 You can answer it.</p> <p>17 THE WITNESS: I cannot.</p> <p>18 BY MR. KUZMIN:</p> <p>19 Q And if it turns out that Mr. Ware only</p> <p>20 settled with one talc defendant, Engelhard, would</p> <p>21 you agree with me that that sentence would also be</p> <p>22 inaccurate in the complaint about a multi-defendant</p> <p>23 settlement?</p> <p>24 MR. KUZMIN: Object to form.</p> <p>25 You can answer it.</p>
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<p>1 SHEILA ELAINE WARE</p> <p>2 that Harshaw Chemical Corporation was a defendant</p> <p>3 because -- withdrawn.</p> <p>4 If I can show you, or a court, that</p> <p>5 Mr. Ware was exposed to asbestos in what's called a</p> <p>6 premises case, as opposed to a talc case, would that</p> <p>7 matter to you?</p> <p>8 MR. KUZMIN: Object to form.</p> <p>9 You can answer it.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. KUZMIN:</p> <p>12 Q Now, turning back to the Second Amended</p> <p>13 Complaint in front of you, paragraph 28, I'm now</p> <p>14 going to turn your attention to the bottom part of</p> <p>15 paragraph 28 on page 26. It says: Reasonably</p> <p>16 relying and acting upon the misrepresentations and</p> <p>17 material omissions of defendants regarding</p> <p>18 Engelhard's talc product, and the absence of any</p> <p>19 evidence indicating Engelhard's talc contained</p> <p>20 asbestos fibers that were made to their attorney</p> <p>21 representative, Tom Bevan, Esquire, as set forth</p> <p>22 more particularly herein, Plaintiff Ware and her</p> <p>23 husband's estate in 2003 voluntarily dismissed their</p> <p>24 lawsuit against Engelhard's predecessors as part of</p> <p>25 a multi-plaintiff, multi-talc defendant settlement</p>	<p>1 SHEILA ELAINE WARE</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. KUZMIN:</p> <p>4 Q As a class representative, do you believe</p> <p>5 it's important for you to show that Mr. Ware was</p> <p>6 actually exposed to Engelhard talc?</p> <p>7 MR. KUZMIN: Object to form.</p> <p>8 You can answer it.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. KUZMIN:</p> <p>11 Q If Mr. Ware were not exposed to Engelhard</p> <p>12 talc at Goodyear Aerospace, you would be prepared to</p> <p>13 stand up in court and tell the judge that you don't</p> <p>14 want to be a class representative in this case,</p> <p>15 fair?</p> <p>16 MR. KUZMIN: Object to form.</p> <p>17 You can answer it.</p> <p>18 THE WITNESS: Fair.</p> <p>19 BY MR. KUZMIN:</p> <p>20 Q All right. Now, you understand that</p> <p>21 Mr. Ware worked at Goodyear Aerospace, correct?</p> <p>22 A Correct, for 35 years.</p> <p>23 Q For 35 years.</p> <p>24 A I believe.</p> <p>25 Q And there were different Goodyear</p>

<p style="text-align: right;">Page 46</p> <p>1 SHEILA ELAINE WARE</p> <p>2 facilities throughout Ohio. Do you know that</p> <p>3 there's - was there multiple Goodyear facilities?</p> <p>4 Do you know that?</p> <p>5 A I do not know.</p> <p>6 Q Okay. But he didn't work at B.F. Goodrich,</p> <p>7 correct? He worked at Goodyear Aerospace.</p> <p>8 A Which was eventually - I thought had a</p> <p>9 B.F. Goodrich sign on it also.</p> <p>10 Q I don't know. Don't know. Do you know?</p> <p>11 A Driving by it, I'm almost positive.</p> <p>12 Q While he worked there?</p> <p>13 A After he was retired.</p> <p>14 Q Okay. After he was retired. Okay. All</p> <p>15 right. So let me show you -</p> <p>16 MR. ASSAF: We'll mark this as Exhibit 157.</p> <p>17 (Defendants' Deposition Exhibit 157</p> <p>18 was marked for identification.)</p> <p>19 BY MR. ASSAF:</p> <p>20 Q I'm showing you what's been marked as</p> <p>21 Defendants' Exhibit 157, bearing Bates Nos.</p> <p>22 BASF WILLIAMS 110648 through 110663, and it's</p> <p>23 Defendants' Supplemental Answers to Plaintiffs'</p> <p>24 Master Discovery Requests. And I'd like to turn</p> <p>25 your attention to 651 to start with.</p>	<p style="text-align: right;">Page 48</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q And if you turn above, there are different</p> <p>3 other Emtal notations for Goodrich Chemical, in</p> <p>4 which, for example, there are 70 tons - tons, not</p> <p>5 bags, 70 tons of talc sold in 1978. Do you see</p> <p>6 that, right above Goodyear Aerospace for Goodrich</p> <p>7 Chemical?</p> <p>8 A Oh, yes.</p> <p>9 Q So now as a class representative, having</p> <p>10 read this response, would you agree with me, at</p> <p>11 least this response shows that Goodyear Aerospace,</p> <p>12 where Mr. Ware worked, never bought any talc from</p> <p>13 the Defendant Emtal?</p> <p>14 MR. KUZMIN: Object to form. Document</p> <p>15 speaks for itself.</p> <p>16 You can answer it.</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. ASSAF: Let's take a break. Let's go</p> <p>19 off the record.</p> <p>20 (Recessed at 10:54 a.m.)</p> <p>21 (Reconvened at 11:00 a.m.)</p> <p>22 (Defendants' Deposition Exhibits 156</p> <p>23 and 156A were marked for identification.)</p> <p>24 BY MR. ASSAF:</p> <p>25 Q I'm showing you, Ms. Ware, documents that</p>
<p style="text-align: right;">Page 47</p> <p>1 SHEILA ELAINE WARE</p> <p>2 It's Supplemental Response to Master</p> <p>3 Interrogatory 18. It says: In order to determine</p> <p>4 shipments of talc to locations of employment named</p> <p>5 by the plaintiffs, Pita has reviewed its invoices</p> <p>6 and year-end sales analyses, to the extent they</p> <p>7 exist, and these responses are based on analysis of</p> <p>8 the shipped to addresses on the invoices, or when</p> <p>9 invoices are not available, the locations referred</p> <p>10 to in sales analyses. Pita cannot state with</p> <p>11 assurance whether or not addresses shown in sales</p> <p>12 analyses are billed to or shipped to locations. In</p> <p>13 those cases where the answer is based solely on the</p> <p>14 appearance of plaintiffs' named locations of</p> <p>15 employment and sales analyses, this fact is noted.</p> <p>16 In addition, sales analyses did not necessarily</p> <p>17 cover the same period each year. Pita produced and</p> <p>18 sold talc only in the period 1967 to 1983.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And then if you go to 110657, there is a</p> <p>22 notation for Goodyear Aerospace, also known as Loral</p> <p>23 Systems. It says: 1967 to 1983, none. Do you see</p> <p>24 that? No sales.</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 49</p> <p>1 SHEILA ELAINE WARE</p> <p>2 were produced in response to plaintiffs' subpoena to</p> <p>3 the insurers, Arrowood in this case. Exhibit 156</p> <p>4 bears Bates Nos. ARROWOOD61904 through 61954, and</p> <p>5 then Defendants' Exhibit 156A, which is an exhibit</p> <p>6 to the original Exhibit 156, bears Bates Nos.</p> <p>7 ARROWOOD062063 through 062066. Okay?</p> <p>8 A Yes.</p> <p>9 Q Defendants' Exhibit 156 is Defendant C.P.</p> <p>10 Hall Company's Responses to Plaintiffs' Master</p> <p>11 Discovery Requests. And if you turn to question 18,</p> <p>12 bearing Bates No. 61921.</p> <p>13 A What page?</p> <p>14 Q 61921 in the lower right-hand corner.</p> <p>15 MR. KUZMIN: 62921, you said?</p> <p>16 MR. ASSAF: Yes.</p> <p>17 THE WITNESS: Got it. Yeah, I have it.</p> <p>18 BY MR. ASSAF:</p> <p>19 Q All right. Question 18 reads: Did you</p> <p>20 ever sell and/or distribute asbestos,</p> <p>21 asbestos-containing products, talc, or soapstone to</p> <p>22 plaintiffs' employers or any other defendant in the</p> <p>23 litigation, and it continues.</p> <p>24 And then the answer, at the bottom of</p> <p>25 61921, says: See attached Exhibits 15-18,</p>

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<p style="text-align: right;">Page 50</p> <p>1 SHEILA ELAINE WARE</p> <p>2 representing the plaintiffs' employers to whom</p> <p>3 products were sold, and the quantities sold per</p> <p>4 year. This information was obtained from C.P. Hall</p> <p>5 Company shipping records, which are too voluminous</p> <p>6 to attach or produce.</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q And then if you turn to Exhibit 156A,</p> <p>10 there's Eastern Magnesium Talc. And on the first</p> <p>11 page, for example, B.F. Goodrich, in 1971, you see</p> <p>12 B.F. Goodrich purchased or were shipped 4300</p> <p>13 50-pound bags.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q So there's 4,000, 2,000 - lots of talc, do</p> <p>17 you see that?</p> <p>18 A Yes.</p> <p>19 Q And then if you go to the third page,</p> <p>20 bearing Bates No. 62065, there's a notation for</p> <p>21 Goodyear Aerospace.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q And in 1963, it appears that there was</p> <p>25 shipped one 50-pound bag. Do you see that?</p>	<p style="text-align: right;">Page 52</p> <p>1 SHEILA ELAINE WARE</p> <p>2 You can answer it.</p> <p>3 THE WITNESS: Yes.</p> <p>4 MR. ASSAF: All right. Now, let's mark</p> <p>5 this as Exhibit 149, please.</p> <p>6 (Defendants' Deposition Exhibit 149</p> <p>7 was marked for identification.)</p> <p>8 BY MR. ASSAF:</p> <p>9 Q Defendants' Exhibit 149 is a deposition of</p> <p>10 Donna Ware, in Ralph Ware versus B.F. Goodrich and</p> <p>11 other defendants. And the appearance for Ms. Donna</p> <p>12 Ware was by Bevan & Associates on February 4th,</p> <p>13 2004.</p> <p>14 Have you seen this before, in your</p> <p>15 preparations for your deposition, or in getting</p> <p>16 ready as class representative for this case?</p> <p>17 A No.</p> <p>18 Q Did you understand that Ms. Ware was</p> <p>19 deposed, that a deposition was taken of Donna Ware?</p> <p>20 A Assumed that, for it to get this far, yes.</p> <p>21 Q Assumed. Now, did you know, by the way,</p> <p>22 Mr. Ralph Ware?</p> <p>23 A Absolutely.</p> <p>24 Q You kind of saw that he - you know, what</p> <p>25 he did, and you knew his hobbies, and what he liked</p>
<p style="text-align: right;">Page 51</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Yes.</p> <p>3 Q And in 1970, there were two 50-pound bags</p> <p>4 shipped. Do you see that?</p> <p>5 A Yes.</p> <p>6 Q I don't know, Ms. Ware, whether they were</p> <p>7 samples, but you know, three bags over 30 years. Do</p> <p>8 you see that?</p> <p>9 A Yes.</p> <p>10 MR. KUZMIN: Object to form.</p> <p>11 You can answer it.</p> <p>12 BY MR. ASSAF:</p> <p>13 Q And that's where Mr. Ware worked, Goodyear</p> <p>14 Aerospace?</p> <p>15 A Yes.</p> <p>16 Q All right. If, again, I'm able to show</p> <p>17 you, through going through - or show your lawyers</p> <p>18 that my client, Emtal, actually didn't sell talc to</p> <p>19 Goodyear Aerospace, and we saw all those shipping</p> <p>20 records for B.F. Goodrich with tons and tons of</p> <p>21 talc, if I'm able to show your lawyers that Emtal</p> <p>22 didn't sell talc, would you agree that would be</p> <p>23 significant for you in your role as class</p> <p>24 representative?</p> <p>25 MR. KUZMIN: Object to form.</p>	<p style="text-align: right;">Page 53</p> <p>1 SHEILA ELAINE WARE</p> <p>2 to do, and what he didn't like to do?</p> <p>3 A My other dad, yes.</p> <p>4 Q Correct. Okay. And Donna Ware, as his</p> <p>5 wife, also had an idea of what he liked to do and</p> <p>6 what he didn't like to do, right?</p> <p>7 A Correct.</p> <p>8 Q Okay. So I'd like to turn your attention</p> <p>9 to page 53 of the deposition.</p> <p>10 MR. KUZMIN: You said page 53, right?</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. ASSAF:</p> <p>13 Q And I'm going to start on page 11 - or</p> <p>14 line 11 of page 53. It says: What kind of hobbies</p> <p>15 or what kind of things did Ralph do for fun or</p> <p>16 recreation when he wasn't working?</p> <p>17 Answer: What time he did have, he liked to</p> <p>18 garden.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q He was a gardener?</p> <p>22 A Absolutely.</p> <p>23 Q Okay.</p> <p>24 Anything else?</p> <p>25 He worked around the church a lot. We</p>

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<p>1 SHEILA ELAINE WARE</p> <p>2 spent a lot of time at the church in flowers --</p> <p>3 planting flowers around the church and all.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And did he continue that up to the time of</p> <p>7 his death?</p> <p>8 Answer: Yes.</p> <p>9 I know that you and Ralph built your home</p> <p>10 in Mogadore --</p> <p>11 A Mogadore.</p> <p>12 Q Mogadore.</p> <p>13 Did Ralph do any of the work himself?</p> <p>14 Answer: No. We had it built.</p> <p>15 And then it said: Did he ever perform any</p> <p>16 remodeling or home improvement work after that time?</p> <p>17 If he did, he wasn't into that type of</p> <p>18 work. He would have had people work for us.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And that's consistent with your</p> <p>22 recollection of Mr. Ware's activities?</p> <p>23 A Absolutely.</p> <p>24 Q More of a gardener, not a home remodeler</p> <p>25 type?</p>	<p>1 SHEILA ELAINE WARE</p> <p>2 deposition?</p> <p>3 A No.</p> <p>4 Q And just so you know, we got this from</p> <p>5 Mr. Tom Bevan's files. He's the attorney in Ohio.</p> <p>6 Okay? And your attorneys can correct me, but just</p> <p>7 so you know, Mr. Bevan's law firm prepared these</p> <p>8 documents, and put it together as part of claiming</p> <p>9 for money for other asbestos injuries. Okay? So</p> <p>10 it's a Mr. Bevan document, as opposed to something</p> <p>11 you all put together. Okay?</p> <p>12 A Yes.</p> <p>13 Q It says: My name is Donna Ware. I am over</p> <p>14 the age of 18. I am legally competent to make the</p> <p>15 factual assertions set forth herein.</p> <p>16 Paragraph 2 reads: My spouse performed</p> <p>17 home repair and remodeling jobs. Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Now, we just discussed, he didn't perform</p> <p>20 home repair and remodeling jobs, correct?</p> <p>21 MR. KUZMIN: Object to form.</p> <p>22 You can answer it.</p> <p>23 THE WITNESS: We did.</p> <p>24 BY MR. ASSAF:</p> <p>25 Q Okay. And there's a reference -- or</p>
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<p>1 SHEILA ELAINE WARE</p> <p>2 A Correct.</p> <p>3 Q Okay. Not that they're always different,</p> <p>4 but some people are more gardeners, and other people</p> <p>5 love to rip out things and build them and measure</p> <p>6 them. He's more a gardener type.</p> <p>7 A Absolutely.</p> <p>8 Q Not a remodeler type?</p> <p>9 A No.</p> <p>10 Q Okay. In fact, best you can tell, you</p> <p>11 couldn't remember him, like Ms. Ware, doing any home</p> <p>12 remodeling work?</p> <p>13 A Correct.</p> <p>14 (Defendants' Deposition Exhibit 150</p> <p>15 was marked for identification.)</p> <p>16 BY MR. ASSAF:</p> <p>17 Q Let me show you what's been marked as</p> <p>18 Defendants' Exhibit 150. Okay. Defendants' Exhibit</p> <p>19 150 is a one-page document, bearing Bates Nos.</p> <p>20 P-WMS-0003796 entitled "T.H. Agriculture &</p> <p>21 Nutrition, LLC."</p> <p>22 Have you seen this document, what's been</p> <p>23 marked as Defendants' Exhibit 150?</p> <p>24 A No.</p> <p>25 Q You didn't see it in preparation for your</p>	<p>1 SHEILA ELAINE WARE</p> <p>2 paragraph 3 says: In the course of those jobs,</p> <p>3 Ralph Ware was exposed to the following</p> <p>4 asbestos-containing joint compound materials:</p> <p>5 Bondex joint compound.</p> <p>6 Do you see that?</p> <p>7 A Yes.</p> <p>8 Q 1964 to 1967, and 1971 to 1976. Do you see</p> <p>9 that?</p> <p>10 A Yes.</p> <p>11 Q Okay. Do you know what Bondex joint</p> <p>12 compound is?</p> <p>13 A I think it's for car -- is it auto body</p> <p>14 probably?</p> <p>15 Q And he didn't do auto body repair work, did</p> <p>16 he, as far as you know?</p> <p>17 A Probably on his old beaten-up car, he</p> <p>18 probably tried to fix something.</p> <p>19 Q He tried to fix something, but he wasn't --</p> <p>20 he wasn't a guy taking apart the body and sanding</p> <p>21 it?</p> <p>22 A No. He would patch things, but no.</p> <p>23 Q You've never seen him work with taking</p> <p>24 apart a car and putting on -- and redoing it. He</p> <p>25 was a gardener?</p>

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<p style="text-align: right;">Page 58</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Did not. His hobby was outside work.</p> <p>3 Q Okay.</p> <p>4 MR. ASSAF: Let's go off the record a</p> <p>5 second.</p> <p>6 (Recessed at 11:13 a.m.)</p> <p>7 (Reconvened at 11:14 a.m.)</p> <p>8 BY MR. ASSAF:</p> <p>9 Q Okay. We were talking about gardening,</p> <p>10 home remodeling, and cars?</p> <p>11 A Correct.</p> <p>12 Q And you said he sometimes liked to work</p> <p>13 with cars, sometimes, not often?</p> <p>14 A No, I'm saying that he had an old vehicle.</p> <p>15 It would not be above him to try to patch a hole,</p> <p>16 rather than buy a new vehicle, or put a shelf in a</p> <p>17 bathroom closet, anything like that. But actual</p> <p>18 construction, no.</p> <p>19 Q No, okay. But on cars -- we're talking</p> <p>20 about the cars first -- you never saw him take apart</p> <p>21 a car?</p> <p>22 A Never did.</p> <p>23 Q Okay. And you never saw him try to patch a</p> <p>24 car?</p> <p>25 A Never did.</p>	<p style="text-align: right;">Page 60</p> <p>1 SHEILA ELAINE WARE</p> <p>2 husband, or Donna Ware, or Ralph Ware, did you ever</p> <p>3 hear of the phrase, "National Tireworkers Litigation</p> <p>4 Project"?</p> <p>5 A Did not.</p> <p>6 Q Okay. Did you ever hear of a bunch of tire</p> <p>7 workers or factory workers being recruited to go to</p> <p>8 the union halls or union meetings, where they would</p> <p>9 be diagnosed for bringing lawsuits?</p> <p>10 A No.</p> <p>11 Q Exhibit 154 is -- the first page is</p> <p>12 entitled Exhibit C, and the second page is a report</p> <p>13 from the Claims Resolution Management Corporation,</p> <p>14 September 12th, 2005, regarding the suspension of</p> <p>15 acceptance of medical reports. And I'll just read</p> <p>16 this to you.</p> <p>17 It says: The reliability of reports</p> <p>18 prepared by the doctors and screening facilities</p> <p>19 listed below has been challenged, and is the subject</p> <p>20 of federal grand jury and congressional</p> <p>21 investigations into alleged fraud. Based upon</p> <p>22 evidence presented in the silica multidistrict</p> <p>23 litigation (MDL), the challenge is credible and</p> <p>24 compels suspension of acceptance of these reports.</p> <p>25 In the two months since Judge Janis Jack issued her</p>
<p style="text-align: right;">Page 59</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Okay. And similarly, you</p> <p>3 never -- withdrawn.</p> <p>4 Okay. I think we covered that. Gardener,</p> <p>5 not home repair or mechanic?</p> <p>6 A Correct.</p> <p>7 Q Okay. All right. Let me show you what I'm</p> <p>8 marking as Defendants' Exhibit 151.</p> <p>9 (Defendants' Deposition Exhibit 151</p> <p>10 was marked for identification.)</p> <p>11 MR. ASSAF: And we might as well mark this,</p> <p>12 too, as a companion. It's Defendants' Exhibit 154.</p> <p>13 (Defendants' Deposition Exhibit 154</p> <p>14 was marked for identification.)</p> <p>15 BY MR. ASSAF:</p> <p>16 Q Okay. Defendants' Exhibit 151 is a report</p> <p>17 dated May 17, 2003 regarding Mr. Ralph Ware's</p> <p>18 medical records. And in particular, paragraph 2</p> <p>19 references a B reader report by Dr. Ray Harron,</p> <p>20 dated May 16, 2002, along with a narrative.</p> <p>21 Do you see that?</p> <p>22 A Yes.</p> <p>23 Q Do you have any idea who Dr. Ray Harron is?</p> <p>24 A I do not.</p> <p>25 Q In any of your discussions with your</p>	<p style="text-align: right;">Page 61</p> <p>1 SHEILA ELAINE WARE</p> <p>2 June 30, 2005 order in the silica MDL, CRMC has</p> <p>3 received no information or evidence to support</p> <p>4 continued acceptance of reports prepared by these</p> <p>5 doctors and facilities. Pending completion of the</p> <p>6 grand jury and congressional investigations, and the</p> <p>7 litigation in which the reports were challenged,</p> <p>8 CRMC will no longer accept reports prepared by these</p> <p>9 doctors and facilities.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And if you turn down, there is a reference</p> <p>13 to Dr. Harron. Do you see that? Dr. Ray Harron?</p> <p>14 A Yes.</p> <p>15 Q In or about 2005, do you have any</p> <p>16 recollection of hearing that one of the doctors who</p> <p>17 diagnosed Mr. Ralph Ware was the subject of a grand</p> <p>18 jury criminal investigation?</p> <p>19 A No.</p> <p>20 Q Is that the first you're hearing of it?</p> <p>21 A Yes.</p> <p>22 Q As a class representative, does it give you</p> <p>23 pause if you're relying on records created by a</p> <p>24 doctor whose privileges were suspended?</p> <p>25 MR. KUZMIN: Object to form.</p>

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<p style="text-align: right;">Page 62</p> <p>1 SHEILA ELAINE WARE</p> <p>2 You can answer it.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. ASSAF:</p> <p>5 Q And would that put you in a different</p> <p>6 position from class members who were relying on</p> <p>7 doctors who were not the subject of suspension and</p> <p>8 criminal investigations and congressional hearings?</p> <p>9 MR. KUJMIN: Object to form.</p> <p>10 You can answer it.</p> <p>11 THE WITNESS: Yes. Yes.</p> <p>12 MR. ASSAF: Let's mark this as Exhibit 153,</p> <p>13 please.</p> <p>14 (Defendants' Deposition Exhibit 153</p> <p>15 was marked for identification.)</p> <p>16 MR. ASSAF: And we're going to mark this as</p> <p>17 Exhibit 154 -- sorry, this is going to be Exhibit</p> <p>18 152.</p> <p>19 (Defendants' Deposition Exhibit 152</p> <p>20 was marked for identification.)</p> <p>21 BY MR. ASSAF:</p> <p>22 Q Defendants' Exhibit 152 is a letter we</p> <p>23 received dated April 16, 2008, I think last night,</p> <p>24 from Mr. Jared Placitella, to supplement your</p> <p>25 interrogatory responses regarding additional</p>	<p style="text-align: right;">Page 64</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A I see that.</p> <p>3 Q -- from your productions, from the</p> <p>4 plaintiffs' productions. And then it's a category</p> <p>5 of parties, the date of a settlement, the total</p> <p>6 amount of the settlement, less attorneys' fees. And</p> <p>7 I could go through all the settlements, but that's</p> <p>8 why I did the Bates numbers. I thought we'd save</p> <p>9 some time here.</p> <p>10 So it's a composite exhibit that shows that</p> <p>11 over the course of the relationship with Mr. Bevan,</p> <p>12 that there have been settlements of \$1,068,781, less</p> <p>13 attorneys' fees of \$713,000.</p> <p>14 Do you see that?</p> <p>15 A Yes.</p> <p>16 Q Does that strike you as correct, or is</p> <p>17 this --</p> <p>18 A It was shocking to me. It was unknown to</p> <p>19 me. Yeah, I had --</p> <p>20 Q You hadn't known about that money?</p> <p>21 A I'm not even -- no, you're right.</p> <p>22 Q Are you the executor of the Donna Ware</p> <p>23 estate?</p> <p>24 A Yes.</p> <p>25 Q Okay. And do you know whether the estate</p>
<p style="text-align: right;">Page 63</p> <p>1 SHEILA ELAINE WARE</p> <p>2 settlement claims that you or your lawyers</p> <p>3 uncovered.</p> <p>4 Have you seen this before, this letter?</p> <p>5 No, the April 16th, 2018 letter.</p> <p>6 A That looks like what I sent them, what I</p> <p>7 found.</p> <p>8 Q Okay. Where did you find that information?</p> <p>9 A In a tub. When we moved Aunt Donna, we</p> <p>10 just went through her desk, and what was left, what</p> <p>11 wasn't stolen from her house per her. We dumped</p> <p>12 everything in a tub and brought it with us. So when</p> <p>13 looking for something for Jared, going through the</p> <p>14 tub, I uncovered that, and said, what? And sent it</p> <p>15 to him, thinking it would be pertinent to what you</p> <p>16 guys needed.</p> <p>17 Q Thank you.</p> <p>18 A You're welcome.</p> <p>19 Q When did you send that to him?</p> <p>20 A Three days ago, within the last week.</p> <p>21 Q Great. Thanks for doing that.</p> <p>22 A Sure.</p> <p>23 Q Defendants' Exhibit 153 is a chart which</p> <p>24 we've made. It's a one-page chart, and on the left</p> <p>25 are Bates numbers --</p>	<p style="text-align: right;">Page 65</p> <p>1 SHEILA ELAINE WARE</p> <p>2 expects to receive more money from other asbestos</p> <p>3 settlements?</p> <p>4 A I don't know of any forthcoming.</p> <p>5 Q Okay.</p> <p>6 MR. KUJMIN: And we can have agreement as</p> <p>7 far as pertains to 153, that any discrepancy in</p> <p>8 numbers between what's on here, and what's on the</p> <p>9 Bates number, the document itself controls?</p> <p>10 MR. ASSAF: Yeah.</p> <p>11 Okay. Can we take a break? I think we're</p> <p>12 almost done.</p> <p>13 (Recessed at 11:25 a.m.)</p> <p>14 (Reconvened at 11:25 a.m.)</p> <p>15 BY MR. ASSAF:</p> <p>16 Q Ms. Ware, would you be kind enough to tell</p> <p>17 me what you did in preparation for your deposition?</p> <p>18 A Read through recent correspondence from --</p> <p>19 that looked similar to this (indicating), talked</p> <p>20 to --</p> <p>21 Q The Second Amended Complaint, right?</p> <p>22 A Yeah. And spoke with an attorney in Jared</p> <p>23 Placitella's office on the phone. And then these</p> <p>24 folks down here (indicating).</p> <p>25 Q How long did you -- when was the discussion</p>

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<p style="text-align: right;">Page 66</p> <p>1 SHEILA ELAINE WARE</p> <p>2 with Mr. Placitella?</p> <p>3 A It wasn't him. It was --</p> <p>4 MR. PASTERNAK: It was Mike Coren, Harry</p> <p>5 Roth, and myself.</p> <p>6 THE WITNESS: Coren, C-O-R-N-E [sic], I</p> <p>7 believe, on the phone.</p> <p>8 BY MR. ASSAF:</p> <p>9 Q When was that?</p> <p>10 A A week ago.</p> <p>11 Q And did they send you documents for that</p> <p>12 phone call? Like, did you review documents?</p> <p>13 A No. Not from the phone call, no.</p> <p>14 Q After the phone call, did they send you</p> <p>15 documents?</p> <p>16 A No. He told me what I had already had, to</p> <p>17 read over it.</p> <p>18 Q Did we review -- withdrawn.</p> <p>19 In terms of the documents reviewed for</p> <p>20 preparing for your deposition, did we review all</p> <p>21 those today?</p> <p>22 A No. There were pages about cases that</p> <p>23 were -- that was a Westfall case. That was one. I</p> <p>24 read that.</p> <p>25 Q Right. Okay. Anything else?</p>	<p style="text-align: right;">Page 68</p> <p>1 SHEILA ELAINE WARE</p> <p>2 a half hour, and you can continue to use this room,</p> <p>3 if you like.</p> <p>4 A Thank you.</p> <p>5 MR. ASSAF: Any cross? Any exam?</p> <p>6 MR. BOYLE: None for Dombusch.</p> <p>7 MR. KUZMIN: Anyone else on the phone with</p> <p>8 anything?</p> <p>9 MR. TUNIS: Nothing for Halket.</p> <p>10 EXAMINATION BY COUNSEL FOR PLAINTIFFS</p> <p>11 BY MR. KUZMIN:</p> <p>12 Q All right. Ms. Ware, I just have a couple</p> <p>13 of follow-up questions based on counsel's</p> <p>14 examination of you. With regard to the complaint</p> <p>15 that was marked as Defendants' Exhibit 1, do you</p> <p>16 see -- right there (indicating).</p> <p>17 A Okay.</p> <p>18 Q Do you see at the top, where it says filed?</p> <p>19 A Yes.</p> <p>20 Q And this Second Amended Complaint was filed</p> <p>21 July 16th, 2015. Do you see that?</p> <p>22 A Correct.</p> <p>23 Q On July 16th, 2015, was Donna Ware alive?</p> <p>24 A Yes.</p> <p>25 Q Okay. On July 16th, 2015, was Ralph Ware</p>
<p style="text-align: right;">Page 67</p> <p>1 SHEILA ELAINE WARE</p> <p>2 A Not coming to me right now.</p> <p>3 Q Okay. And then you met with your lawyers</p> <p>4 yesterday or this morning?</p> <p>5 A Last evening.</p> <p>6 Q Last evening?</p> <p>7 A Mm-hmm.</p> <p>8 Q Here in D.C.?</p> <p>9 A Yes.</p> <p>10 Q Okay. How long was that meeting?</p> <p>11 A Half hour.</p> <p>12 Q Okay. Did they show you any documents?</p> <p>13 A No.</p> <p>14 Q I don't have any more questions for you,</p> <p>15 Ms. Ware. I appreciate -- I know you came down for</p> <p>16 this deposition, I think from West Virginia?</p> <p>17 A Yes.</p> <p>18 Q So thanks for coming down. Hopefully</p> <p>19 you're out early enough to beat the traffic. I will</p> <p>20 I say there's going to be lunch here in about a half</p> <p>21 hour. If you'd like to stay for lunch, I think</p> <p>22 you're here with your nephew.</p> <p>23 A My son met me here.</p> <p>24 Q There will be lunch outside, or you can get</p> <p>25 on the road. But there's going to be lunch in about</p>	<p style="text-align: right;">Page 69</p> <p>1 SHEILA ELAINE WARE</p> <p>2 alive?</p> <p>3 A No.</p> <p>4 Q Okay. So in terms of realtime, when this</p> <p>5 complaint was filed, Ralph Ware was the deceased</p> <p>6 husband of Donna Ware; is that fair?</p> <p>7 A Correct.</p> <p>8 Q Okay. With regards to what was shown to</p> <p>9 you, Exhibit 151 and Exhibit 154, Exhibit 151 being</p> <p>10 the expert report of Jaywant P. Parmar, and Exhibit</p> <p>11 154 being the letter from the CRMC --</p> <p>12 A Okay.</p> <p>13 Q -- do you have both of those in front of</p> <p>14 you?</p> <p>15 A Yes, I do.</p> <p>16 Q The reference to Dr. Harron is for a</p> <p>17 medical record, or B reader that was reviewed by</p> <p>18 Dr. Parmar, is that fair, number 2?</p> <p>19 MR. ASSAF: Objection, leading.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. KUZMIN:</p> <p>22 Q Okay. Do you know what a B read is?</p> <p>23 A I do not.</p> <p>24 Q Okay. Is Dr. Parmar identified as an</p> <p>25 individual who the CRMC will not be accepting</p>

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<p style="text-align: right;">Page 70</p> <p>1 SHEILA ELAINE WARE</p> <p>2 reports from anymore on Exhibit 154?</p> <p>3 A No.</p> <p>4 Q And Dr. Parmar, as an expert in pathology,</p> <p>5 is the individual who identified and diagnosed or</p> <p>6 confirmed the diagnosis of Mr. Ware's mesothelioma,</p> <p>7 correct?</p> <p>8 MR. ASSAF: Objection, foundation and form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 BY MR. KUZMIN:</p> <p>11 Q Okay. We can put that off to the side.</p> <p>12 Okay. We're done with those.</p> <p>13 And with regards to the exhibits that were</p> <p>14 shown to you, Exhibit 156, which was the responses</p> <p>15 to interrogatories from -- I don't know what entity</p> <p>16 this is.</p> <p>17 MR. ASSAF: C.P. Hall, I think.</p> <p>18 MR. KUZMIN: C.P. Hall? Okay. Thank you.</p> <p>19 And then the other set of interrogatories</p> <p>20 0648, is that Pita Realty?</p> <p>21 MR. ASSAF: Yeah, I think so.</p> <p>22 BY MR. KUZMIN:</p> <p>23 Q Okay. Do you see on the front here for</p> <p>24 these two, where the case numbers are identified?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Pertinent medical facts, you see that</p> <p>5 phrase?</p> <p>6 A Yes.</p> <p>7 Q And pertinent medical fact identified by</p> <p>8 Dr. Parmar on the next page, number 3, reads:</p> <p>9 Dr. Ray Harron has evaluated a chest x-ray dated</p> <p>10 September 11th, 2001, and he notes small irregular</p> <p>11 opacities in lower and mid lung zones with a</p> <p>12 profusion of 1-2. He also notes diffused right and</p> <p>13 left pleural thickening. A narrative concludes that</p> <p>14 the bilateral pleural disease is consistent with</p> <p>15 asbestos-related disease.</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Okay. And Dr. Parmar thought that that was</p> <p>19 a pertinent fact, correct?</p> <p>20 MR. KUZMIN: Object to form.</p> <p>21 You can answer it.</p> <p>22 THE WITNESS: Correct.</p> <p>23 MR. ASSAF: No more questions.</p> <p>24 MR. KUZMIN: Anyone else?</p> <p>25 MR. ASSAF: For the record, we skipped</p>
<p style="text-align: right;">Page 71</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Q Right here? Okay. And in the course of</p> <p>3 being questioned about the complaint and the case</p> <p>4 that was filed on behalf of Mr. Ware, Case No.</p> <p>5 02-475504 was identified in the complaint; is that</p> <p>6 fair?</p> <p>7 A Sure. Yes.</p> <p>8 Q Do you see Case No. 02-475504 identified</p> <p>9 either on Exhibit 156, or the Pita Realty answers to</p> <p>10 interrogatories?</p> <p>11 A No.</p> <p>12 Q Okay.</p> <p>13 MR. KUZMIN: Okay. That's all I have.</p> <p>14 MR. ASSAF: I have some re-cross.</p> <p>15 FURTHER EXAMINATION BY COUNSEL FOR DEFENDANT</p> <p>16 BASF CATALYSTS, LLC</p> <p>17 BY MR. ASSAF:</p> <p>18 Q Can you pull out Defendants' Exhibit 151</p> <p>19 again? That's the report of Dr. Parmar.</p> <p>20 A I have it.</p> <p>21 Q And if you turn to the second page, at the</p> <p>22 bottom of the page, in bold, there's a sentence that</p> <p>23 says: Based on these reviews and studies, the</p> <p>24 following are noted to be pertinent medical facts in</p> <p>25 this case.</p>	<p style="text-align: right;">Page 73</p> <p>1 SHEILA ELAINE WARE</p> <p>2 Exhibit 155.</p> <p>3 MR. KUZMIN: And we'll read and sign.</p> <p>4 (Signature having not been waived,</p> <p>5 the deposition of Sheila Elaine Ware was concluded</p> <p>6 at 11:34 a.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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